

SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNs LLP – FIRM PROFILE

Schneider Wallace Cottrell Konecky Wotkyns (“SWCKW”) is one of the nation’s premier plaintiffs’ law firms. SWCKW is one of the largest plaintiffs’ law firms in the western United States.

With offices in California, Texas, Arizona, and Puerto Rico, SWCKW and its attorneys have litigated in nearly every state in the country. In most of these cases, the firm has served as Lead or Co-Lead Counsel.

SWCKW’s clients have enjoyed the firm’s record of success. The firm has, for a long time and successfully, represented clients against the largest corporations in the country. The firm has won verdicts and procured settlements collectively worth hundreds of millions of dollars.

SWCKW has a thriving class action practice representing workers, consumers and investors. At the same time, the firm represents institutional clients such as private investment funds, community and regional banks, Fortune 100 insurance companies, cities, public financing districts, hospitals, and educational institutions as plaintiffs.

In carrying out its mission to help its clients combat large-scale injustice, unfairness, and other wrongful conduct, SWCKW provides a level of sophistication and service traditionally available only to large corporate defendants. The firm has particular expertise in cases involving financial services fraud, antitrust violations, and other complex litigation, among other practice areas. SWCKW and its attorneys have litigated hundreds of such cases, including the following:

- *In Re JPMorgan Stable Value Fund ERISA Litigation*: Obtained class certification and appointed class counsel in an ERISA fiduciary breach action brought on behalf of a class of 401(k) plans against JPMorgan concerning imprudent investments in the Plans’ stable value funds. The parties reached a \$75 million settlement on behalf of the Class, which was preliminarily approved on January 19, 2018. Final approval is pending.
- *Glass Dimensions, Inc. v. State Street Corp. et al*: ERISA fiduciary breach litigation in which Schneider Wallace obtained class certification and was appointed class counsel. The case settled for \$10 million as well as substantial injunctive relief.
- *Rosa v. Morrison Homes*: Statewide construction-defect case, alleging that Morrison Homes failed to build homes in compliance with applicable laws, resulting in a \$6 million settlement.
- *Lopez v. SFUSD*: Disability access class action, resulting in a judgment that required defendant to implement remedies valued at more than \$300 million.
- *Satchell v. FedEx Express, Inc.*: Class action on behalf of approximately 20,000 current and former employees of FedEx, resulting in a \$54.9 million settlement.

- *Holliman v. Kaiser Foundation Health Plan*: Claims on behalf of Kaiser employees, resulting in a \$9 million settlement. *National Federation of the Blind v. Target Corporation*: Nationwide lawsuit against Target, resulting in broad injunctive relief and \$6 million in damages, which is the largest damages fund in any lawsuit brought on behalf of blind plaintiffs.
- *Labrador v. Seattle Mortgage Co*: Statewide consumer fraud case alleging that the defendant systematically violated the federal reverse mortgage program consumer protection regulations by charging improper loan-related fees, resulting in a \$4 million settlement.

SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNs LLP ATTORNEY PROFILES

SWCKW's attorneys are passionately devoted to seeking justice for their clients. The firm's attorneys are nationally recognized experts—winning groundbreaking cases, obtaining record judgments, and, in the process, garnering praise from their peers, courts and clients. The attorneys below, among others, will work on this matter:

Todd M. Schneider – Todd Schneider founded Schneider Wallace Cottrell Konecky Wotkyns LLP in 1993. He has an extensive background in complex litigation in the areas of employment, consumer rights, financial service, ERISA and antitrust. He has numerous court victories in both jury and bench trials alike. He has argued cases in courts at every level from trial courts to the United States Supreme Court.

Mr. Schneider is a published author and he lectures widely. He is a past president of The San Francisco Trial Lawyers Association and has served as vice president for Consumer Attorneys of California.

Mr. Schneider was named Trial Lawyer of the Year by the San Francisco Trial Lawyers' Association and he has been honored as a Super Lawyer in the area of class actions and mass torts by San Francisco Super Lawyers Magazine for each year that the list has been published. He has twice been a finalist for the Consumer Attorneys of California's prestigious Consumer Attorney of the Year award. He is AV® Preeminent™ Peer Review Rated by Martindale-Hubbell and received a rating of "superb" by AVVO.

Mr. Schneider was appointed by the Chief Justice of the California Supreme Court to serve on California's Advisory Committee on Civil Jury Instructions, the body that writes the Judicial Council of California Civil Jury Instructions. He has served on that committee for over a decade along side of a select group of the state's elite trial lawyers, judges, and appellate justices.

Peter B. Schneider – Peter B. Schneider is the head of the firm's Houston, Texas office. Mr. Schneider began his career as a clerk for District Court Judge Norman Black, who later became the senior Judge of the Southern District of Texas. Since then he has had a passion for

advocacy that led him to focus his practice on representing plaintiffs in complex litigation. For the past 24 years Mr. Schneider has tried countless cases to jury verdicts all over the country and obtained hundreds of millions of dollars in settlements and judgments for his clients.

Mr. Schneider has represented tens of thousands of victims of pharmaceutical negligence, dangerous devices, and corporate fraud. He has represented businesses in high-stakes disputes. Mr. Schneider has represented dozens of public entities in recovering damages they and their constituents suffered in cases stemming from the 2008 financial crisis and beyond. Specifically, Mr. Schneider has represented the cities of Houston, Reno, Cleveland, Phoenix, and Pasadena along with public health systems including Miami Children's Hospital, Sarasota Memorial Healthcare System, and St. Luke's Health System, and Baylor College of Medicine. Mr. Schneider focuses on achieving results for clients with complex claims in litigation.

Mr. Schneider is licensed in all Texas County Courts, District Courts, Courts of Appeals, and The Texas Supreme Court. Mr. Schneider is also licensed in Federal Court for the Southern District of Texas, the Eastern District of Texas, the Western District of Texas, the District of Texas, the Fifth Circuit Court of Appeals and the United States Supreme Court. Mr. Schneider and his family are active in many charitable causes throughout Texas and beyond.

Garrett W. Wotkyns – Mr. Wotkyns graduated *magna cum laude* from Rice University, and he received his law degree from the University of Chicago Law School, where he served on *The University of Chicago Law Review*. Following law school, Mr. Wotkyns was a law clerk to The Honorable John M. Duhe Jr., of the United States Court of Appeals for the Fifth Circuit.

Before joining SWCKW to litigate exclusively for plaintiffs and lead the firm's financial services practice, Mr. Wotkyns spent five years practicing law at O'Melveny & Myers LLP, where he garnered significant experience representing large corporations in complex litigation.

Mr. Wotkyns is a frequent lecturer, writer and continuing legal education instructor on financial services litigation and arbitration issues. Recently, he has spoken at three different CLE events concerning FINRA arbitration issues and published an article about the so-called "sophisticated investor defense" often employed by defendants in FINRA arbitrations in *Arizona Banker* magazine. He is also a faculty member of the Practising Law Institute's Consumer Financial Services Institute. In 2008, the Arizona Volunteer Lawyers Program gave him its "For Love of Justice" award in recognition of his volunteer work assisting Arizona homeowners fighting foreclosure. He is currently Chairman of the Business Torts Section of the American Association for Justice and a member of the Executive Committee of The National Trial Lawyers' Business Tort Trial Lawyers Association.

John J. Nestico – Mr. Nestico joined the firm in August of 2015 and has since concentrated his practice on complex class action litigation involving breaches of fiduciary duty in connection with the investment of qualified retirement plan assets and other violations of the Employee Retirement Income Security Act, the federal law governing the administration of employee benefit plans.

Mr. Nestico brings to the firm more than 35 years of diverse experience in law firms, as in-house counsel with Fortune 50 multinational corporations and with a top 5 national consulting firm, focusing on all aspects of the design and implementation of employee benefits and executive compensation plans, with a particular emphasis on advising plan sponsors regarding the investment of plan assets, negotiation of investment management agreements, and compliance with fiduciary responsibilities.

Prior to joining the firm, he served as Counsel in the Charlotte, NC office of K&L Gates; as Associate General Counsel – Benefits at New York Life Insurance Company; and Senior Vice President at Aon Consulting, where he also served as Chairman of the M&A Practice Council. He is a graduate of the US Air Force Academy and served as a commissioned officer prior to attending law school at the University of Connecticut, where he graduated with honors. Immediately following law school, he worked in private practice at Kelley, Drye and Warren in New York and Pullman Comley in Bridgeport, CT. His uncommon experience with ERISA, securities law and complex financial transactions brings an added dimension to the firm's ERISA litigation practice.

Kyle G. Bates – Mr. Bates is based in San Francisco, California. His practice focuses on complex litigation, with an emphasis on litigation involving financial services, ERISA, and antitrust. Mr. Bates was part of the team of plaintiffs' attorneys that tried *Healy et al. v. Cox Communications* (W.D. Okla.), an antitrust class action involving an alleged tying arrangement, to verdict in 2015. Mr. Bates currently represents plaintiffs in *In Re Aluminum Warehousing Antitrust Litigation*, 13-md-2481 (S.D.N.Y.) and *In Re Anadarko Basin Oil And Gas Lease Antitrust Litigation*, 5:16-cv-00209 (W.D. Okla.). Mr. Bates is an experienced representative of corporate clients in commercial litigation, and recently represented a Fortune 100 company in a private arbitration that resulted in settlement for an undisclosed amount. Mr. Bates has also represented both individuals and corporate clients in arbitrations before the Financial Industry Regulatory Authority (FINRA). Mr. Bates is active in the Bar Association of San Francisco and the San Francisco Trial Lawyers' Association ("SFTLA"), and was a speaker at ACI's 15th National Forum on ERISA Litigation.

Mr. Bates graduated *cum laude* from American University, Washington College of Law, where he served as the Senior Articles Editor for the ABA's Administrative Law Review. While in law school Mr. Bates wrote and published a law review article and represented the Washington College of Law in the Investment Arbitration Moot Court Competition in Frankfurt, Germany, where he and his team finished as semi-finalists. Mr. Bates received his Bachelor of Arts in Middle Eastern & South Asian Studies from Emory University.

Prior to joining Schneider Wallace Cottrell Konecky Wotkyns LLP, Mr. Bates was a judicial intern in the chambers of The Honorable Jennifer Walker Elrod of the U.S. Court of Appeals for the Fifth Circuit.